

: 1 :

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2112 OF 2004

IN

WRIT PETITION NO. 5235 OF 1988

 Office notes, office :
 Memoranda of Coram, :
 appearances, Court's : Court's or Judge's Orders
 orders or directions :
 & Registrar's orders. :

Mr. S. M. Railkar for the
 applicants

Mr. Sachin Shetye.

Mr. G.J. Sabnis for R-1

CORAM: SMT. RANJANA DESAI, J.
 3/10/2005

P.C.:-

Mr. Shetye has given no objection to the appearance of Mr. Sabnis in the court. That has been recorded in the vakalatnama of Mr. Sabnis with the permission of the Court. Therefore, that objection does not survive. Mr. Shetye is discharged.

2. This civil application is filed by the petitioner who is the original defendant-tenant. In this

: 2 :

civil application he has prayed that he may be allowed to carry out repairs to the suit premises.

3. I have heard the learned counsel Shri Sabnis who is appearing for the landlord original respondent. He objects to the grant of this civil application.

4. The learned counsel for the petitioner, however, states that the suit premises are in dilapidated condition. In the circumstances, in my opinion, following order should meet the ends of justice:

(a) Without prejudice to the rights and contentions of the parties, the petitioner-tenant is allowed to carry out repairs to the suit premises. However, that will be subject to the final orders which will be passed in this writ petition. The petitioner shall not claim any equity on account of the repairs which he may carry out. The cost of the repairs should be borne by the petitioner.

(b) It is also prayed that the petitioner may be permitted to cut branches of the trees because they pose danger to the suit premises. The petitioner is allowed to cut branches of the trees subject to his obtaining necessary permission from the concerned authorities.

(c) Civil application is disposed of.

.....